

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

FEB 22 2011

JULIA C. DUDLEY, CLERK
BY: *Fay Coleman*
DEPUTY CLERK

Jerrell Watson Carter, a federal inmate proceeding pro se, brings this motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. The United States filed a motion to dismiss, and by order entered November 15, 2010, the court referred the matter to United States Magistrate Judge Michael F. Urbanski for proposed findings of fact and recommendations for disposition. The Magistrate Judge filed a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), finding that Carter's claims were waived by his plea agreement and nevertheless without merit. Accordingly, the Magistrate Judge recommended that Carter's § 2255 motion be dismissed. Neither party filed objections within the time allotted. Having reviewed the Report and Recommendation and relevant portions of the record, the court agrees with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation (docket no. 147) is **ADOPTED** in its entirety, the government's motion to dismiss (docket no. 137) is **GRANTED**, Carter's § 2255 motion (docket no. 128) is **DISMISSED**, Carter's motion (docket no. 143) is **TERMINATED**, and this case is **STRICKEN** from the active docket of the court.

Further, finding that Carter has failed to make a substantial showing of the denial of a

constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk of Court is **DIRECTED** to send copies of this order to the parties.

Entered this 22nd day of February, 2011.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE